

ATTACHMENT 1

SMITHERS

VS.

FRONTIER AIRLINES INC

Deposition

SHAWN P. CHRISTENSEN

04/17/2019

AB Court Reporting & Video
216 16th Street, Suite 600
Denver Colorado, 80202
303-296-0017

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Civ. Action No. 1:18cv676 (TSE/IDD)

30(b) (6) DEPOSITION OF FRONTIER AIRLINES, INC., as
given by SHAWN P. CHRISTENSEN
April 17, 2019

ANNE SMITHERS, et al.,

Plaintiffs,

vs.

FRONTIER AIRLINES INC.,

Defendant.

1 APPEARANCES:

2 STONE & WOODROW LLP
3 By Thatcher Stone, Esq.
4 William T. Woodrow, III, Esq. (via
5 videoconference)
6 Suite 201, Louis & Clark Plaza
7 250 West Main Street
8 Charlottesville, Virginia 22902
9 Appear on behalf of Plaintiffs.

10 CHARLSON BREDEHOFT COHEN & BROWN, P.C.
11 By Elaine Charlson Bredehoft, Esq.
12 11260 Roger Bacon Drive, Suite 201
13 Reston, Virginia 20190
14 Appear telephonically on behalf of
15 Defendant.

16 CONDON & FORSYTH LLP
17 By Bartholomew J. Banino, Esq.
18 7 Times Square
19 New York, New York 10036
20 Appear on behalf of Defendant.

21 Also present: Anne Smithers, via
22 videoconference

23

24

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1 Pursuant to Notice and the Federal Rules
2 of Civil Procedure, the 30(b)(6) deposition of
3 FRONTIER AIRLINES, INC., as given by SHAWN P.
4 CHRISTENSEN, called by Plaintiffs, was taken on
5 Wednesday, April 17, 2019, commencing at 9:34 a.m.,
6 at 1700 Lincoln Street, Suite 4300, Denver,
7 Colorado, before Vanessa D. Campbell, Registered
8 Professional Reporter and Notary Public within and
9 for the State of Colorado.

10

T N D E X

12 30(b)(6) DEPOSITION OF FRONTIER AIRLINES, INC., as
given by SHAWN P. CHRISTENSEN

14	EXAMINATION BY:	PAGE	
15	Mr. Stone	5, 282	
16	Mr. Woodrow	--	
17	Ms. Bredehoft	--	
18	Mr. Banino	280, 285	
19	EXHIBITS	INITIAL REFERENCE	
20	Exhibit 1	Plaintiff's Revised Notice of 30(B) (6) Deposition to Defendant	5
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1 trained on that, I'd be more than happy to answer.

2 Q (By Mr. Stone) Thank you. What did you
3 mean when you said HIMS?

4 A HIMS is -- you know, there are different
5 pilots -- there's an FAA function so if a pilot has
6 depression, anxiety, alcohol, substance abuse, we
7 actually meet up with them. There's an entire FAA
8 program associated with that. And so there's
9 training associated with that that the rest of the
10 pilot group does not get and -- and a variety of
11 other things, so that's why I was asking
12 specifically if there's --

13 Q We'll get there.

14 A -- anything --

15 Q We'll get there.

16 A Okay.

17 Q If there's something specific, we'll get
18 there.

19 A Okay.

20 Q Any other training in the past two years
21 that you undertook?

22 MR. BANINO: Just -- just to confirm,
23 we're still objecting to this not being part of the
24 30(b) (6).

25 MR. STONE: We understand, but that's

1 not -- he can respond in his individual capacity.

2 In all the 30(b)(6) cases and Weinstein,
3 Miller, all tell you that's permissible, so your
4 objection, Bart, is ill-placed in my view. So --

5 MR. BANINO: Thatcher, you --

6 Q (By Mr. Stone) Please go ahead and
7 answer.

8 MR. STONE: We don't agree, Bart. We
9 don't agree.

10 MR. BANINO: Thatcher, if you'd let me
11 finish what I'm saying rather than interrupting with
12 a speech.

13 I was simply going to say that we object
14 that this is outside the 30(b)(6), but this is -- he
15 is answering in his individual capacity.

16 MR. STONE: Yeah, I made that clear.

17 MR. BANINO: Okay. But -- and I'm making
18 clear, as well, but you keep asking him questions
19 along this -- along this -- these lines.

20 MR. STONE: Well, it's clear what he's
21 doing.

22 MR. BANINO: But it's not clear, which is
23 why I'm stating it.

24 MR. STONE: That's fine, Bart. Keep
25 editing.

1 MR. BANINO: Thatcher, you have --

2 MR. STONE: Please --

3 MR. BANINO: You have --

4 MR. STONE: -- calm down, Bart, and let me
5 continue. We don't have much time to get this done
6 and we have to get into the nine areas noticed.

7 Your comment is recognized, and I agree,
8 we are asking him individual questions.

9 MR. BANINO: Fine.

10 Q (By Mr. Stone) So was there any further
11 training, Mr. Christensen?

12 A I'm sure there is. Again, if you --

13 Q But you don't remember?

14 MR. BANINO: Thatcher, please -- please
15 let him finish his answers.

16 MR. STONE: Stop editing my commentary.

17 MR. BANINO: I'm not editing your --

18 MR. STONE: You are, Bart.

19 MR. BANINO: -- commentary. I'm asking
20 you to let the witness finish his answers before you
21 jump in. That's all.

22 A So I'll be specific to what I see here.

23 You're asking about pilot rules for rest, which is
24 14 CFR. There's also a 14 CFR on alcohol
25 consumption.

1 MR. STONE: Yeah. Well, let me finish and
2 you'll see where we're going.

3 MR. BANINO: A corporation doesn't have a
4 state of mind, so when --

5 MR. STONE: Well, it does.

6 MR. BANINO: -- you're asking these --
7 okay. But when you're asking these questions you're
8 asking them to him in his personal capacity. I just
9 want to be clear.

10 MR. STONE: I'm not. I disagree and you
11 can make that objection with the judge post hoc.

12 Q (By Mr. Stone) Sorry, Mr. Christensen.

13 So when you saw the e-mails, all of them,
14 after the fact, did it run through your mind that
15 maybe the pilots were confused, copilot, pilot, in
16 this incident?

17 A I'm going to precursor this with months
18 later.

19 Q Yeah, right.

20 A Yeah. Once the -- everything -- once I
21 started getting the information, then, yes, there
22 could be the potential that it could have been the
23 pilot or the copilot.

24 Going back to, I think what we were
25 talking about previously, as the duty manager on

1 call that day, it was the captain, not the first
2 officer.

3 Q Understood. Because that's --

4 A I want to make sure that I clarify between
5 the two, that as representing for this it -- there's
6 a potential that it could have been one or the
7 other. The day of there was no ifs, ands or buts,
8 it was the captain that had the allegation and
9 that's how we focused our --

10 Q Understood.

11 A Attention on the day of.

12 Q Understood.

13 In preparation for your appearance today,
14 did you talk with Olivia Knox about this possible
15 confusion?

16 A I did not.

17 Q Okay. Did you talk with the GSC about
18 this possible confusion?

19 A I did not.

20 Q Okay. Did you talk with any of the
21 individuals -- pardon me.

22 Did you talk with any of the individuals
23 who were involved in -- in asserting or identifying
24 the reasonable suspicion -- right, the first step
25 you take?